

REMARKS/ARGUMENTS

Claims 1-86 are pending, of which Claims 1, 18-23, 40-44, 61-65, and 86 have been amended without adding any new matter to the application as originally filed. Applicants note with appreciation the Examiner's indication of allowable subject matter, namely, of Claims 20-22, 41-43, 62-64, 83-85, provided they are re-written in independent form including the limitations of the base claim and any intervening claims. Accordingly, Applicants have carefully considered the application in view of the Examiner's Action and the allowable subject matter and, in light of the foregoing amendments and the following remarks, respectfully requests reconsideration and full allowance of all pending claims.

As a preliminary matter, it is noted that the specification has been amended to incorporate text from previously co-pending U.S. Patent Application Serial No. 09/957,223, entitled "REPETITIVE MOTION FEEDBACK SYSTEM AND METHOD OF PRACTICING A REPETITIVE MOTION", filed on September 20, 2001, on behalf of Evensen et al., published on March 20, 2003, as Publication No. US 2003/0054327 A1, and to which the present application is related as a continuation-in-part, and which was incorporated by reference in its entirety into the present application (see page 9, lines 26-28), thereby adding no new matter to the application as originally filed.

Claims 18-22, 40-43, and 61-64 have been objected to for having preambles that are not consistent with the preambles of their respective parent claims. In response, Applicants have amended Claims 18-22, 40-43, and 61-64 to overcome the objection, and respectfully request that the aforementioned objection to Claims 18-22, 40-43, and 61-64 be withdrawn.

Claim 23 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant's regard as the invention. In response, Applicants have amended Claim 23 to overcome the rejection of the Claim 23, without adding any new matter to the application as originally filed. In light of the foregoing, Applicants respectfully request the withdrawal of the rejection of Claim 23 under 35 U.S.C. § 112, second paragraph.

Claims 1-13, 17, 23-25, 39, 44-56, 60, 65-77, 81, and 86 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,293, 802 to Ahlgren (hereinafter

“*Ahlgren*”). Claims 14-16, 36-38, 57-59, 78-80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ahlgren* in view U.S. Patent No. 5,772, 522 to Nesbit (hereinafter “*Nesbit*”). Claims 18-19, 40, 61, 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ahlgren* in view U.S. Patent No. 6,321,128 to Costin (hereinafter (“*Costin*”). In response, Applicants have amended independent Claims 1, 23, 44, 65, and 86 such that they now more clearly distinguish, and are patentable over the cited references.

Specifically, independent Claims 1, 23, 44, 65, and 86 have been amended to more particularly point out and distinctly claim one of the distinguishing characteristics of the present invention, namely, that data includes three-dimensional X, Y, Z coordinates defining the location of at least one point of an individual. Independent Claims 23, 44, 65, and 86 have been amended to further recite that at least a portion of the data may be processed using computer program code executable by a digital computer to determine via triangulation three-dimensional X, Y, Z coordinates defining the location of at least one point of an individual. These amendments are supported by the paragraph in the specification beginning at page 8, line 11, amended as discussed above, thereby adding no new matter to the application as originally filed.

Ahlgren has been cited as fully disclosing Applicant’s invention as recited in Claims 1, 23, 44, 65, and 86. *Ahlgren*, however, fails to either teach or suggest data including three-dimensional X, Y, Z coordinates defining the location of at least one point of an individual, much less that at least a portion of the data may be processed using computer program code executable by a digital computer to determine via triangulation three-dimensional X, Y, Z coordinates defining the location of at least one point of an individual. In clear contrast to Applicant’s invention as recited in Claims 1, 23, 44, 65, and 86, as amended, *Ahlgren* teaches video images which may recorded and played back for a user, and, in further contrast to Claims 23, 44, 65, and 86, the video images are forwarded to an analysis center where “a golf instructor such as for example a golf pro or other qualified instructor, reviews the captured swing and prepares a personalized lesson, instructing the golfer how he or she might improve on his or her swing.” (col. 2, lines 5-10). A computer is apparently limited in *Ahlgren* to use as a mechanism for storing and transporting through a communication channel video lessons, clearly not for processing data as recited by Applicants in Claims 1, 23, 44, 65, and 86.

In view of the foregoing, it is apparent that *Ahlgren* does not teach, suggest, or render obvious the unique combination now recited in independent Claims 1, 23, 44, 65, and 86. It is therefore respectfully submitted that Claims 1, 23, 44, 65, and 86 clearly and precisely distinguish over *Ahlgren* in a patentable sense, and are therefore allowable over *Ahlgren* and the remaining references of record. Accordingly, it is respectfully requested that the rejection of Claims 1, 23, 44, 65, and 86 under 35 U.S.C. § 102(b) as being anticipated by *Ahlgren* be withdrawn.

Claims 2-22, 24-43, 45-64, and 66-85 depend from and further limit independent Claims 1, 23, 44, and 65, in a patentable sense, and, for this reason and the reasons set forth above, are also deemed to be in condition for allowance. Accordingly, it is respectfully requested that the rejections of dependent Claims 2-22, 24-43, 45-64, and 66-85 be withdrawn, as well.

It is noted with appreciation that Examiner Saadat has indicated that dependent Claims 20-22, 41-43, 62-64, 83-85 would be allowable if re-written in independent form including the limitations of the base claim and any intervening claims. For the reasons stated above, however, Applicants respectfully submit that the base claims and any intervening claims from which Claims 20-22, 41-43, 62-64, 83-85 depend are in condition for allowance. Therefore, notwithstanding Applicants' appreciation of Examiner Saadat's indication of allowable subject matter, Applicants elect to await further action from Examiner Saadat with respect to said base claims as amended before proceeding to rewrite Claims 20-22, 41-43, 62-64, 83-85 in independent form.

Applicant has reviewed the prior art made of record and not relied on, and has concluded that this art does not prejudice the patentability of the invention as defined by the present claims. For this reason and the reason that they have not been applied against Applicant's claims, no further discussion of them is deemed necessary.

Enclosed is a Petition for Extension of Time for a three (3) month extension of time. The Commissioner is hereby authorized to charge any Extension of Time fees and any other required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-2032 of Scheef & Stone, L.L.P.

AMDT. DATED NOVEMBER 8, 2004

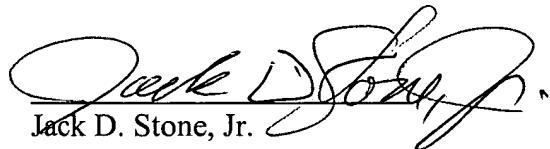
REPLY TO OFFICE ACTION OF MAY 7, 2004

Applicant has now made an earnest attempt to place this application in condition for allowance. Therefore, with appreciative acknowledgement of Examiner Saadat's indication of allowability of Claims 20-22, 41-43, 62-64, 83-85, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, full allowance of Claims 20-22, 41-43, 62-64, 83-85 so that the application may be passed to issue.

Should the Examiner have any questions or desire clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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